

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEL EDDY COLEGROVE,
Petitioner,
v.
MARTIN HOSHINO,
Respondent.

Case No. [13-cv-00096-BLF](#)

**ORDER GRANTING PETITIONER'S
MOTION FOR A CERTIFICATE OF
APPEALABILITY**

[Re: ECF 36]


Petitioner timely moves for a certificate of appealability ("COA") pursuant to 28 U.S.C. § 2253(c), following the Court's denial of his petition for writ of habeas corpus. *See* ECF 34. Petitioner seeks the COA as to a single issue: whether he was denied the effective assistance of counsel during plea bargaining. *See* Mot., ECF 36-1 at 1.

A COA should be granted when a petitioner demonstrates "that the issues are debateable among jurists of reason; that a court could resolve the issues [differently]; or that the questions are adequate to deserve encouragement to proceed further." *Jennings v. Woodford*, 290 F.3d 1006, 1010 (9th Cir. 2002). A court must resolve any doubts about the appropriateness of a COA in favor of the petitioner. *See, e.g., Lambright v. Stewart*, 220 F.3d 1022, 1025 (9th Cir. 2000).

The Court finds that Petitioner has made a sufficient showing under *Jennings* to merit a COA as to whether he was denied effective assistance of counsel during plea bargaining. Accordingly, IT IS HEREBY ORDERED that a COA is issued in the present action.

IT IS SO ORDERED.

Dated: February 3, 2015


BETH LABSON FREEMAN
United States District Judge